

Regular Session, 2014

SENATE BILL NO. 425

BY SENATORS CORTEZ, BROOME, DORSEY-COLOMB, JOHNS, MILLS AND THOMPSON

WATER/SEWER OPERATORS. Provides relative to private water supply or sewer system providers. (8/1/14)

1 AN ACT  
2 To enact R.S. 33:42, relative to water and sewer systems; to provide relative to the operation  
3 and maintenance of certain water and sewer systems; to provide relative to required  
4 standards, including but not limited to chlorination and other standards; to provide  
5 for the failure to satisfy such standards and the effects of such failure; to authorize  
6 certain actions by a political subdivision; to provide certain definitions, terms,  
7 conditions, and procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:42 is hereby enacted to read as follows:

10 §42. Private water supply and sewer systems; failure to meet certain  
11 standards; effects

12 A. The provisions of this Section shall apply to any political subdivision  
13 within a parish having a population greater than two hundred thousand but less  
14 than two hundred and thirty thousand according to the latest federal census.

15 B. A private water supply or sewer system provider serving the residents  
16 of a political subdivision as defined in this Section shall comply with all  
17 applicable health standards set forth in law and regulation, including standards

1 relative to chlorination of such private water supply or sewer system provider  
2 and disinfection of waste water discharged in compliance with such sewer  
3 system provider's permit, rules, regulations, and laws governing the operation  
4 of such sewer system provider, and shall require iron and manganese control  
5 for such water systems.

6 (1) In addition to any other penalty or liability authorized by law that  
7 may be imposed upon a private water supply or sewer system provider who fails  
8 to meet applicable health standards, a political subdivision may by ordinance  
9 adopt a remediation charge to be imposed in accordance with such conditions  
10 and in such an amount as the political subdivision may determine.

11 (2) The remediation charge shall be utilized by the political subdivision  
12 solely to ensure that the services provided by the private water supply or sewer  
13 system provider are in compliance with law and regulation, and that the health  
14 and safety of residents of the political subdivision are protected against harm.

15 (3) In order to protect public health and safety, a private water supply  
16 or sewer system provider who within a consecutive twelve-month period is  
17 penalized by the state or political subdivision at least three separate times due  
18 to failure to comply with applicable laws and regulations concerning health  
19 standards shall forfeit such system to the political subdivision in addition to any  
20 other penalty. Such a forfeiture shall be subject to current rules, regulations,  
21 and laws governing the transfer of a permit, license, and certificate for a private  
22 water supply or sewer system provider.

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The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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#### DIGEST

Cortez (SB 425)

Proposed law provides relative to private water or sewer system providers.

Proposed law provides that the provisions of proposed law will apply to any political subdivision within a parish having a population greater than 200,000 but less than 230,000 according to the latest federal census.

Proposed law requires that a private water supply or sewer system provider serving the residents of a political subdivision as defined in the proposed law to comply with all applicable health standards set forth in law and regulation, including standards relative to chlorination of such private water supply or sewer system provider and disinfection of waste water discharged in compliance with such sewer system provider's permit, rules, regulations, and laws governing the operation of such sewer system provider. Also requires the private water supply system provider to have iron and manganese controls for such water systems.

Proposed law provides that in addition to any other penalty or liability authorized by law that may be imposed upon a private water supply or sewer system provider who fails to meet applicable health standards, a political subdivision may by ordinance adopt a remediation charge to be imposed in accordance with such conditions and in such an amount as the political subdivision may determine.

Proposed law provides that the remediation charge shall be utilized by the political subdivision solely to ensure that the services provided by the private water supply or sewer system provider are in compliance with law and regulation, and that the health and safety of residents of the political subdivision are protected against harm.

Proposed law provides that in order to protect public health and safety, a private water or sewer system provider who within a consecutive 12-month period is penalized by the state or political subdivision at least three separate times due to failure to comply with applicable laws and regulations concerning health standards shall forfeit such system to the political subdivision in addition to any other penalty. Proposed law further provides that any forfeiture is subject to current rules, regulations, and laws governing the transfer of a permit, license, and certificate for a private water supply or sewer system provider.

Effective August 1, 2014.

(Adds R.S. 33:42)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds requirement of iron and manganese controls.

##### Senate Floor Amendments to engrossed bill

1. Adds requirement for disinfection of discharged waste water.
2. Provides for transfer of a permit, license, and certificate for a private water supply or sewer system provider if such system is forfeited.
3. Makes technical changes.